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Sixty-fifth session
Agenda item 75

Responsibility of States for internationally wrongful acts

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Responsibility of States for internationally wrongful acts" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to its resolution 62/61 of 6 December 2007.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th, 25th and 27th meetings, on 19 and 29 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.15, 25 and 27).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies (A/65/76);

(b) Report of the Secretary-General containing comments and information received from Governments (A/65/96 and Add.1).

5. Pursuant to resolution 62/61, the Committee decided, at its 1st meeting, on 4 October 2010, to establish a Working Group on the Responsibility of States for Internationally Wrongful Acts, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine the question of a convention on the topic or other appropriate action on the basis of the articles drafted by the International Law Commission. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

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The Working Group, which was chaired by Mr. Reta Alemu Nega (Ethiopia), held one meeting, on 19 October 2010.

6. At the 25th meeting of the Committee, on 29 October, the Chair of the Working Group presented an oral report on the work of the Working Group (see A/C.6/65/SR.25).

II. Consideration of draft resolution A/C.6/65/L.8

7. At the 25th meeting, on 29 October, the representative of Ethiopia, on behalf of the Bureau, introduced the text of a draft resolution entitled "Responsibility of States for internationally wrongful acts" (A/C.6/65/L.8).

8. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.8 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, and its resolutions 59/35 of 2 December 2004 and 62/61 of 6 December 2007 commending the articles to the attention of Governments,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

Taking into account the comments and observations of Governments[1] and the discussions held in the Sixth Committee, at the fifty-sixth, fifty-ninth, sixty-second and sixty-fifth sessions of the General Assembly, on responsibility of States for internationally wrongful acts,

Noting with appreciation the compilation of decisions of international courts, tribunals and other bodies referring to the articles, prepared by the Secretary-General,[2]

1. *Acknowledges* the importance of the articles on responsibility of States for internationally wrongful acts, and commends them once again to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles;

3. *Also requests* the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-eighth session;

4. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Responsibility of States for internationally wrongful acts" and to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

[1] See A/62/63 and Add.1 and A/65/96 and Add.1.

[2] See A/62/62 and Corr.1 and Add.1 and A/65/76.

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Sixty-fifth session
Agenda item 76

Criminal accountability of United Nations officials and experts on mission

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Criminal accountability of United Nations officials and experts on mission" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/110 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 6th meeting, on 8 October, and at its 27th meeting, on 5 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.6 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on criminal accountability of United Nations officials and experts on mission (A/65/185).

II. Consideration of draft resolution A/C.6/65/L.3

5. At the 27th meeting, on 5 November, the representative of Greece introduced, on behalf of the Bureau, a draft resolution entitled "Criminal accountability of United Nations officials and experts on mission" (A/C.6/65/L.3).

6. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.3 without a vote (see para. 7).

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Criminal accountability of United Nations officials and experts on mission

The General Assembly,

Recalling its resolution 59/281 of 29 March 2005, in which it endorsed the recommendation of the Special Committee on Peacekeeping Operations that the Secretary-General make available to the United Nations membership a comprehensive report on the issue of sexual exploitation and abuse in United Nations peacekeeping operations,[1]

Recalling also that the Secretary-General, on 24 March 2005, transmitted to the President of the General Assembly a report of his Adviser concerning sexual exploitation and abuse by United Nations peacekeeping personnel,[2]

Recalling further its resolution 59/300 of 22 June 2005, in which it endorsed the recommendation of the Special Committee on Peacekeeping Operations that a group of legal experts be established to provide advice on the best way to proceed so as to ensure that the original intent of the Charter of the United Nations can be achieved, namely that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized without due process,[3]

Recognizing the valuable contribution of United Nations officials and experts on mission towards the fulfilment of the principles and purposes of the Charter,

Reaffirming the need to promote and ensure respect for the principles and rules of international law,

Reaffirming also that the present resolution is without prejudice to the privileges and immunities of United Nations officials and experts on mission and the United Nations under international law,

Reaffirming further the obligation of United Nations officials and experts on mission to respect the national laws of the host State, as well as the right of the host State to exercise, where applicable, its criminal jurisdiction, in accordance with the relevant rules of international law and agreements governing operations of United Nations missions,

Deeply concerned by reports of criminal conduct, and conscious that such conduct, if not investigated and, as appropriate, prosecuted, would create the negative impression that United Nations officials and experts on mission operate with impunity,

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[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part one, chap. III, sect. D, para. 56.

[2] See A/59/710.

[3] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, chap. II, sect. N, para. 40 (*a*).

Reaffirming the need to ensure that all United Nations officials and experts on mission function in a manner that preserves the image, credibility, impartiality and integrity of the United Nations,

Emphasizing that crimes committed by such persons are unacceptable and have a detrimental effect on the fulfilment of the mandate of the United Nations, in particular with respect to the relations between the United Nations and the local population in the host country,

Conscious of the importance of protecting the rights of victims of criminal conduct, as well as of ensuring adequate protection for witnesses, and recalling the adoption of its resolution 62/214 of 21 December 2007 on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel,

Emphasizing the need to enhance international cooperation to ensure the criminal accountability of United Nations officials and experts on mission,

Recalling its resolution 61/29 of 4 December 2006, by which it established the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission,

Having considered at its previous sessions the report of the Group of Legal Experts established by the Secretary-General pursuant to its resolution 59/300[4] and the reports of the Ad Hoc Committee,[5] as well as the note by the Secretariat[6] and the reports of the Secretary-General[7] on criminal accountability of United Nations officials and experts on mission,

Recalling its resolutions 62/63 of 6 December 2007, 63/119 of 11 December 2008 and 64/110 of 16 December 2009,

Recalling also its decision that, bearing in mind its resolutions 62/63 and 63/119, the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and the information contained in the note by the Secretariat, shall be continued during its sixty-seventh session in the framework of a working group of the Sixth Committee,

Convinced of the continuing need for the United Nations and its Member States to urgently take strong and effective steps to ensure the criminal accountability of United Nations officials and experts on mission in the interest of justice,

1. *Takes note* of the report of the Secretary-General;[8]

2. *Strongly urges* States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under

[4] See A/60/980.

[5] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 54* (A/62/54), and ibid., *Sixty-third Session, Supplement No. 54* (A/63/54).

[6] A/62/329.

[7] A/63/260 and Add.1 and A/64/183 and Add.1.

[8] A/65/185.

international law, and in accordance with international human rights standards, including due process;

3. *Strongly urges* all States to consider establishing to the extent that they have not yet done so jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State;

4. *Encourages* all States to cooperate with each other and with the United Nations in the exchange of information and in facilitating the conduct of investigations and, as appropriate, the prosecution of United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature, in accordance with their domestic laws and applicable United Nations rules and regulations, fully respecting due process rights, as well as to consider strengthening the capacities of their national authorities to investigate and prosecute such crimes;

5. *Also encourages* all States:

(a) To afford each other assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission, including assistance in obtaining evidence at their disposal, in accordance with their domestic law or any treaties or other arrangements on extradition and mutual legal assistance that may exist between them;

(b) In accordance with their domestic law, to explore ways and means of facilitating the possible use of information and material obtained from the United Nations for purposes of criminal proceedings initiated in their territory for the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission, bearing in mind due process considerations;

(c) In accordance with their domestic law, to provide effective protection for victims of, witnesses to, and others who provide information in relation to, crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission and to facilitate access by victims to victim assistance programmes, without prejudice to the rights of the alleged offender, including those relating to due process;

(d) In accordance with their domestic law, to explore ways and means of responding adequately to requests by host States for support and assistance in order to enhance their capacity to conduct effective investigations in respect of crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission;

6. *Requests* the Secretariat to continue to ensure that requests to Member States seeking personnel to serve as experts on mission make States aware of the expectation that persons who serve in that capacity should meet high standards in their conduct and behaviour and be aware that certain conduct may amount to a crime for which they may be held accountable;

7. *Urges* the Secretary-General to continue to take such other practical measures as are within his authority to strengthen existing training on United

Nations standards of conduct, including through predeployment and in-mission induction training for United Nations officials and experts on mission;

8. *Reiterates its decision* that, bearing in mind its resolutions 62/63 and 63/119, the consideration of the report of the Group of Legal Experts, in particular its legal aspects,[4] taking into account the views of Member States and the information contained in the note by the Secretariat,[6] shall be continued during its sixty-seventh session in the framework of a working group of the Sixth Committee;

9. *Requests* the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made and to request from those States an indication of the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature, as well as the types of appropriate assistance that States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions;

10. *Urges* States to provide to the Secretary-General at the appropriate time information on their handling of the credible allegations brought to their attention by the Secretary-General in accordance with paragraph 9 above;

11. *Requests* the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations;

12. *Encourages* the United Nations, when allegations against United Nations officials or experts on mission are determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and the reputation of such officials and experts on mission;

13. *Urges* the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States;

14. *Emphasizes* that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission;

15. *Takes note with appreciation* of the information provided by Governments in response to its resolutions 62/63, 63/119 and 64/110, and urges Governments to continue taking the measures necessary for the implementation of those resolutions, including their provisions addressing the establishment of jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, as well as cooperation among States;

16. *Reiterates its request* to the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, in particular with respect to paragraphs 3, 5 and 9 above, as well as any practical

problems in its implementation, on the basis of information received from Governments and the Secretariat;

17. *Requests* the Secretary-General to include in his report information on the number and types of credible allegations and any actions taken by the United Nations and its Member States regarding crimes of a serious nature committed by United Nations officials and experts on mission;

18. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Criminal accountability of United Nations officials and experts on mission".

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Sixty-fifth session
Agenda item 77

Report of the United Nations Commission on International Trade Law on the work of its forty-third session

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its forty-third session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 7th, 25th and 27th meetings, on 11 and 29 October and on 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.7, 25 and 27).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its forty-third session.[1]

4. At the 7th meeting, on 11 October, the Chair of the United Nations Commission on International Trade Law at its forty-third session introduced the report of the Commission on the work of its forty-third session.

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17).

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II. Consideration of proposals

A. Draft resolution A/C.6/65/L.4

5. At the 25th meeting, on 29 October, the representative of Austria, on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Liechtenstein, Luxembourg, Malawi, Malaysia, Malta, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Paraguay, the Philippines, Portugal, the Republic of Korea, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of), subsequently joined by Armenia, Lithuania, Madagascar, Poland and the Republic of Moldova, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its forty-third session" (A/C.6/65/L.4).

6. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.4 without a vote (see para. 13, draft resolution I).

B. Draft resolution A/C.6/65/L.5

7. At the 25th meeting, on 29 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "UNCITRAL Arbitration Rules as revised in 2010" (A/C.6/65/L.5).

8. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.5 without a vote (see para. 13, draft resolution II).

C. Draft resolution A/C.6/65/L.6

9. At the 25th meeting, on 29 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property" (A/C.6/65/L.6).

10. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.6 without a vote (see para. 13, draft resolution III).

D. Draft resolution A/C.6/65/L.7

11. At the 25th meeting, on 29 October, the representative of Austria, on behalf of the Bureau, introduced a draft resolution entitled "Part three of the UNCITRAL Legislative Guide on Insolvency Law" (A/C.6/65/L.7).

12. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.7 without a vote (see para. 13, draft resolution IV).

III. Recommendations of the Sixth Committee

13. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the United Nations Commission on International Trade Law on the work of its forty-third session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission on the work of its forty-third session,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note* with appreciation of the report of the United Nations Commission on International Trade Law on the work of its forty-third session;[1]

2. *Commends* the Commission for the finalization and adoption of three new international commercial law standards as follows: the UNCITRAL Arbitration Rules as revised in 2010;[2] the UNCITRAL Legislative Guide on Secured

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17).
[2] Ibid., chap. III and annex I.

Transactions: Supplement on Security Rights in Intellectual Property;[3] and part three of the UNCITRAL Legislative Guide on Insolvency Law on the treatment of enterprise groups in insolvency;[4]

3. *Encourages* the Commission to finalize its work on a revision of the UNCITRAL Model Law on Procurement of Goods, Construction and Services[5] at its forty-fourth session, in 2011;

4. *Welcomes* the decision of the Commission to take up new topics in the areas of settlement of commercial disputes, security interests and insolvency law and undertake work in the area of online dispute resolution;

5. *Also welcomes* the decision of the Commission to hold international colloquiums in order to facilitate identification of a road map for future work by the Commission in the area of electronic commerce and in order to explore the legal and regulatory issues surrounding microfinance that fell within the mandate of the Commission;

6. *Further welcomes* the progress made in the ongoing project of the Commission on monitoring the implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958,[6] and requests the Secretariat to pursue its efforts towards the preparation of a draft guide on the enactment of the Convention to promote a uniform interpretation and application of the Convention;

7. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of, and cooperation on, legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

8. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities, including at the country, subregional and regional levels, and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

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[3] Ibid., chap. IV.

[4] Ibid., chap. V.

[5] Ibid., *Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

[6] United Nations, *Treaty Series*, vol. 330, No. 4739.

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission, in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the United Nations development agenda, including the achievement of the Millennium Development Goals;

(e) Welcomes the Commission's request that the Secretariat consider ways of better integrating its technical cooperation and assistance activities in activities conducted on the ground by the United Nations, in particular through the United Nations Development Programme or other country offices of the United Nations;

9. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in the field of international trade law in those countries in order to facilitate the development of international trade and the promotion of foreign investment;

10. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-fifth session of the General Assembly, its consideration of the granting of travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Welcomes* the adoption by the Commission of a summary of conclusions on the topic of the Commission's rules of procedure and methods of work,[7] after the comprehensive review of its working methods undertaken by the Commission from its fortieth to forty-second sessions, in the light of the recent increase in membership of the Commission and the number of topics being dealt with by the Commission, and calls upon Member States, non-member States, observer organizations and the Secretariat to apply the rules of procedure and methods of work, with a view to

[7] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 305 and annex III.

ensuring the high quality of the work of the Commission and international acceptability of its instruments, and in this regard recalls its previous resolutions related to this matter;

12. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards on international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

13. *Welcomes* the panel discussion on the rule of law in trade and commerce, held during the forty-third session of the Commission, and takes note with appreciation of the opening remarks delivered by the Deputy Secretary-General and statements made by representatives of States and multilateral development banks and by the Director of the United Nations Rule of Law Unit, reiterating the role of the Commission in promoting the rule of law at the national and international levels and the impact of the work of the Commission on economic and social development, including the achievement of the Millennium Development Goals, on the promotion of coordination and coherence of technical assistance and capacity-building in the field of international commercial law and in the context of post-conflict reconstruction;[8]

14. *Takes note* of the decisions taken by the Commission at the end of the panel discussion, and in particular welcomes those improving the integration of the work of the Commission into the United Nations joint rule of law programmes, in particular by raising awareness about the work of the Commission across the United Nations and by promoting regular dialogue between the Commission and the Rule of Law Coordination and Resource Group;[9]

15. *Welcomes* the review by the Commission of the proposed biennial programme plan for subprogramme 5 (Progressive harmonization, modernization and unification of the law of international trade) of programme 6 (Legal affairs) in the context of its consideration of the proposed strategic framework for the period 2012-2013,[10] takes note that the Commission also expressed concern that the resources allotted to the Secretariat under subprogramme 5 were insufficient for it to meet the increased demand from developing countries and countries with economies in transition for technical assistance with law reform in the field of commercial law, and also takes note that the Commission urged the Secretary-General to take steps to ensure that the comparatively small amount of additional resources necessary to meet a demand so crucial to development are made available promptly;[11]

16. *Takes note* of the concern expressed by the Commission over the lack of sufficient resources in its secretariat for responding to the growing need for uniform interpretation of Commission texts, which is considered indispensable for their effective

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[8] Ibid., chap. XVII.

[9] Ibid., paras. 334-336.

[10] A/65/6 (Prog. 6).

[11] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 346.

implementation, and that the Commission encouraged the Secretariat to explore various means to address this concern, inter alia, by building partnerships with interested institutions and establishing within the Commission's secretariat a pillar concentrating on the promotion of ways and means of uniform interpretation of Commission texts, in particular by sustaining and expanding the system for the collection and dissemination of case law on Commission texts (the CLOUT system);[12]

17. *Recalls* its resolutions on partnerships between the United Nations and non-State actors, in particular the private sector,[13] and its resolutions in which it encouraged the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat, including the Global Compact Office;[14]

18. *Reiterates its request* to the Secretary-General, in conformity with its resolutions on documentation-related matters,[15] which, in particular, emphasize that any reduction in the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and work of the Commission in implementing page limits with respect to the documentation of the Commission;

19. *Requests* the Secretary-General to continue providing summary records of the meetings of the Commission, including meetings of committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts;

20. *Recalls* its resolution in which it approved the establishment of the *Yearbook of the United Nations Commission on International Trade Law*, with the aim of making the work of the Commission more widely known and readily available,[16] expresses its concern regarding the timeliness of the publication of the Yearbook, and requests the Secretary-General to explore options to facilitate the timely publication of the Yearbook;

21. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

22. *Welcomes* the preparation of digests of case law relating to the texts of the Commission, such as a digest of case law relating to the United Nations Convention on Contracts for the International Sale of Goods[17] and a digest of case law relating to the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law,[18] with the aim of assisting in the dissemination of information on those texts and promoting their use, enactment and uniform interpretation.

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[12] Ibid., para. 347.

[13] Resolutions 55/215, 56/76, 58/129, 60/215, 62/211 and 64/223.

[14] Resolutions 59/39, 60/20 and 61/32.

[15] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

[16] See resolution 2502 (XXIV).

[17] United Nations, *Treaty Series*, vol. 1489, No. 25567.

[18] See *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17), annex I; and ibid., *Sixty-first Session, Supplement No. 17* (A/61/17), annex I.

Draft resolution II
UNCITRAL Arbitration Rules as revised in 2010

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, which established the United Nations Commission on International Trade Law with the purpose of furthering the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries,

Also recalling its resolution 31/98 of 15 December 1976 recommending the use of the Arbitration Rules of the United Nations Commission on International Trade Law,[1]

Recognizing the value of arbitration as a method of settling disputes that may arise in the context of international commercial relations,

Noting that the Arbitration Rules are recognized as a very successful text and are used in a wide variety of circumstances covering a broad range of disputes, including disputes between private commercial parties, investor-State disputes, State-to-State disputes and commercial disputes administered by arbitral institutions, in all parts of the world,

Recognizing the need for revising the Arbitration Rules to conform to current practices in international trade and to meet changes that have taken place over the last thirty years in arbitral practice,

Believing that the Arbitration Rules as revised in 2010 to reflect current practices will significantly enhance the efficiency of arbitration under the Rules,

Convinced that the revision of the Arbitration Rules in a manner that is acceptable to countries with different legal, social and economic systems can significantly contribute to the development of harmonious international economic relations and to the continuous strengthening of the rule of law,

Noting that the preparation of the Arbitration Rules as revised in 2010 was the subject of due deliberation and extensive consultations with Governments and interested circles and that the revised text can be expected to contribute significantly to the establishment of a harmonized legal framework for the fair and efficient settlement of international commercial disputes,

Also noting that the Arbitration Rules as revised in 2010 were adopted by the United Nations Commission on International Trade Law at its forty-third session after due deliberation,[2]

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for having formulated and adopted the revised provisions of the Arbitration Rules, the text of which is contained in an annex to the report of the United Nations Commission on International Trade Law on the work of its forty-third session;[3]

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[1] *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17* (A/31/17), chap. V, sect. C.

[2] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), chap. III.

[3] Ibid., annex I.

2. *Recommends* the use of the Arbitration Rules as revised in 2010 in the settlement of disputes arising in the context of international commercial relations;

3. *Requests* the Secretary-General to make all efforts to ensure that the Arbitration Rules as revised in 2010 become generally known and available.

Draft resolution III
UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property

The General Assembly,

Recognizing the importance to all States of efficient secured transactions regimes in promoting access to secured credit,

Recognizing also the need to make secured credit more available and at lower cost to intellectual property owners and other intellectual property right holders, and thus the need to enhance the value of intellectual property rights as security for credit,

Noting that the *UNCITRAL Legislative Guide on Secured Transactions*[1] generally applies to security rights in intellectual property, without inadvertently interfering with the basic rules and objectives of law relating to intellectual property,

Taking into account the need to address the interaction between secured transactions law and law relating to intellectual property at both the national and the international levels,

Recognizing that States would need guidance as to how the recommendations contained in the *UNCITRAL Legislative Guide on Secured Transactions* would apply in an intellectual property context and as to the adjustments that need to be made to their laws to avoid inconsistencies between secured transactions law and law relating to intellectual property,

Noting the importance of balancing the interests of all stakeholders, including grantors, whether they are owners, licensors or licensees of intellectual property, and secured creditors,

Expressing its appreciation to intergovernmental and international non-governmental organizations active in the fields of secured financing and intellectual property, in particular the World Intellectual Property Organization and the Hague Conference on Private International Law, for their participation in and support for the development of the UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property,[2]

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption of the UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property;[2]

2. *Requests* the Secretary-General to disseminate broadly, including through electronic means, the text of the Supplement and to transmit it to Governments and other interested bodies;

3. *Recommends* that all States utilize the Supplement to assess the economic efficiency of their intellectual property financing and give favourable consideration

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[1] United Nations publication, Sales No. E.09.V.12.

[2] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), chap. IV.

to the Supplement when revising or adopting their relevant legislation, and invites States that have done so to advise the Commission accordingly;

4. *Also recommends* that all States continue to consider becoming parties to the United Nations Convention on the Assignment of Receivables in International Trade[3] and implementing the recommendations contained in the *UNCITRAL Legislative Guide on Secured Transactions*.[1]

[3] Resolution 56/81, annex.

Draft resolution IV
Part three of the UNCITRAL Legislative Guide on Insolvency Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with the purpose of furthering the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries,

Recalling also its resolution 59/40 of 2 December 2004 recommending the use of the *UNCITRAL Legislative Guide on Insolvency Law*,[1]

Recognizing that effective insolvency regimes are increasingly seen as a means of encouraging economic development and investment, as well as fostering entrepreneurial activity and preserving employment,

Noting that because the business of corporations is increasingly conducted, both domestically and internationally, through enterprise groups, the formation of enterprise groups is a feature of the increasingly globalized world economy and thus significant to international trade and commerce,

Recognizing that where the business of an enterprise group fails, it is important not only to know how the group will be treated in insolvency proceedings, but also to ensure that that treatment facilitates, rather than hinders, the fast and efficient conduct of the insolvency proceedings,

Being aware that very few States recognize an enterprise group as a legal entity, except in limited ways for specific purposes, and that very few, if any, have a comprehensive regime for the treatment of enterprise groups in insolvency,

Noting that the *UNCITRAL Legislative Guide on Insolvency Law*, while providing a sound basis for the unification of insolvency law and forming key elements of a modern commercial law framework, does not address the insolvency of enterprise groups,

Appreciating the support for and the participation of international intergovernmental and non-governmental organizations active in the field of insolvency law reform in the development of an additional part of the *UNCITRAL Legislative Guide on Insolvency Law* addressing the treatment of enterprise groups in insolvency,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for developing and adopting part three of the *UNCITRAL Legislative Guide on Insolvency Law*[1] on the treatment of enterprise groups in insolvency;[2]

2. *Requests* the Secretary-General to transmit the text of part three of the *UNCITRAL Legislative Guide on Insolvency Law* to Governments and other interested bodies;

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[1] United Nations publication, Sales No. E.05.V.10.

[2] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), chap. V.

3. *Recommends* that all States utilize the *UNCITRAL Legislative Guide on Insolvency Law* to assess the economic efficiency of their insolvency law regimes and give favourable consideration to the Guide when revising or adopting legislation relevant to insolvency, and invites States that have used the *Guide* to advise the Commission accordingly;

4. *Also recommends* that all States continue to consider implementation of the *UNCITRAL Model Law on Cross-Border Insolvency*;[3]

5. *Further recommends* that the *UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation* continue to be given due consideration by judges, insolvency practitioners and other stakeholders involved in cross-border insolvency proceedings.

[3] United Nations publication, Sales No. E.99.V.3.

United Nations A/65/466

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Agenda item 78

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/113 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 18th, 27th and 28th meetings, on 22 October and on 5 and 11 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.18, 27 and 28).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/65/514).

II. Consideration of draft resolution A/C.6/65/L.16

5. At the 27th meeting, on 5 November, the representative of Ghana, on behalf of the Bureau, introduced a draft resolution entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" (A/C.6/65/L.16), and orally revised it as follows:

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(a) Operative paragraph 2, which read:

"2. *Also authorizes* the Secretary-General to award a minimum of one scholarship in 2011 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically for this fellowship",

was replaced by:

"2. *Also authorizes* the Secretary-General to award a minimum of one scholarship in 2011 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of voluntary contributions made for this fellowship, and in this regard calls upon States, intergovernmental organizations, international financial institutions, donor agencies, non-governmental organizations and natural and juridical persons to make voluntary contributions to its trust fund";

(b) In operative paragraph 6, the final phrase "taking into account paragraph 65 of his report" was deleted.

6. At its 28th meeting, on 11 November, the Committee adopted draft resolution A/C.6/65/L.16, as orally revised, without a vote (see para. 8).

7. At the same meeting, the representative of Belarus made a statement (see A/C.6/65/SR.28).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which it established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,

Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for nearly half a century,

Reaffirming also that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the Programme of Assistance, which are contained in that report,

Noting with concern the reduction in the programme budget for the biennium 2010-2011 for fellowships for the benefit of developing countries indicated in the report of the Secretary-General, notwithstanding its resolution 64/113 of 16 December 2009,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

[1] A/65/514.

1. *Reiterates* its authorization for the Secretary-General to carry out, in 2011, the activities specified in the report he submitted to the General Assembly at its sixty-fourth session,[2] in accordance with the guidelines and recommendations contained therein, including the provision of:

(a) A number of fellowships, to be determined in the light of the overall resources for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and to be awarded to qualified candidates from developing countries, to attend the International Law Fellowship Programme in The Hague in 2011;

(b) A number of fellowships, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries, to attend regional courses in international law in 2011;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions for these fellowships, which would be received as a result of the requests set out in paragraphs 18 to 20 below;

2. *Authorizes* the Secretary-General to award a minimum of one scholarship in 2011 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of voluntary contributions made for this fellowship, and in this regard calls upon States, intergovernmental organizations, international financial institutions, donor agencies, non-governmental organizations and natural and juridical persons to make voluntary contributions to its trust fund;

3. *Expresses its appreciation* to the Secretary-General for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2010;

4. *Requests* the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

5. *Also requests* the Secretary-General to continue to provide to the programme budget the necessary resources for the Programme of Assistance to ensure the continued effectiveness of the Programme in 2011, in accordance with resolution 64/113;

6. *Further requests* the Secretary-General to continue to provide to the programme budget for the next and future bienniums the necessary resources for the Programme of Assistance to ensure the continued effectiveness and further development of the Programme, in particular the organization of regional courses in international law on a regular basis and the viability of the United Nations Audiovisual Library of International Law;

7. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs of the Secretariat, and strongly encourages their continued publication;

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[2] A/64/495.

8. *Welcomes* the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications, and, in particular, commends the Codification Division of the Office of Legal Affairs for its desktop publishing initiative, which has greatly enhanced the timely issuance of its legal publications;

9. *Encourages* the Office of Legal Affairs to continue to maintain and expand its websites listed in annex I to the report of the Secretary-General[1] as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

10. *Recognizes* the importance of the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world, and urges States to make voluntary contributions to enable the Codification Division to continue and further develop the Library;

11. *Encourages* the use of interns and research assistants for the preparation of materials for the United Nations Audiovisual Library of International Law;

12. *Welcomes* the training and technical assistance activities in international law undertaken by the Office of Legal Affairs within the framework of the Programme of Assistance, as described in the report of the Secretary-General, and encourages the continuation of such activities within available resources;

13. *Commends* the Codification Division for the cost-saving measures undertaken with regard to the International Law Fellowship Programme to maintain the number of fellowships available for this comprehensive international law training programme;

14. *Expresses its appreciation* to The Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with the Academy courses;

15. *Notes with appreciation* the contributions of The Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

16. *Welcomes* the efforts of the Codification Division to revitalize and conduct regional courses in international law as an important training activity;

17. *Expresses its appreciation* to the Republic of Korea and Ethiopia for hosting regional courses in international law in Seoul in 2010 and in Addis Ababa in 2011;

18. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the

financing of the Programme or otherwise to assist in its implementation and possible expansion;

19. *Reiterates its request* to Member States and interested organizations, institutions and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law, and expresses its appreciation to those Member States, institutions and individuals that have made voluntary contributions for this purpose;

20. *Urges*, in particular, all Governments to make voluntary contributions for the regional courses in international law organized by the Codification Division as an important complement to the International Law Fellowship Programme, thus alleviating the burden on prospective host countries and making it possible to conduct the regional courses on a regular basis;

21. *Requests* the Secretary-General to report to the General Assembly, at its sixty-sixth session, on the implementation of the Programme of Assistance during 2011 and to include in his report information on the request contained in paragraph 5 above;

22. *Also requests* the Secretary-General, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the execution of the Programme of Assistance in subsequent years;

23. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

United Nations A/65/467

General Assembly

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Sixty-fifth session
Agenda item 79

Report of the International Law Commission on the work of its sixty-second session

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its sixty-second session" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/114 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 19th to 26th and 28th meetings, from 25 to 29 October, and on 1 and 11 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.19-26 and 28).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its sixty-second session[1] and a report of the Secretary-General on assistance to special rapporteurs of the International Law Commission (A/65/186).

5. The Chair of the International Law Commission at its sixty-second session introduced the report of the Commission: chapters I to IV and XIII at the 19th meeting, on 25 October, chapter V at the 21st meeting, on 27 October, chapters VI and VII at the 22nd meeting, on 27 October, and chapters VIII, X, XI and XII at its 25th meeting, on 29 October (see A/C.6/65/SR.19, 21, 22 and 25).

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10).

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II. Consideration of draft resolution A/C.6/65/L.20

6. At the 28th meeting, on 11 November, the representative of New Zealand, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its sixty-second session" (A/C.6/65/L.20).

7. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.20 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its sixty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-second session,[1]

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Recalling the role of Member States in submitting proposals for the consideration of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

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[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10).

[2] Resolution 2625 (XXV), annex.

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-second session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-second session;

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

(a) Reservations to treaties;

(b) Treaties over time;

4. *Invites* Governments to submit to the secretariat of the Commission, by 31 January 2011, any further observations on the entire set of draft guidelines constituting the Guide to Practice on Reservations to Treaties, provisionally adopted by the Commission at its sixty-second session,[3] with a view to finalizing the Guide at the sixty-third session;

5. *Draws once again the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2011 on the draft articles and commentaries on the topic "Responsibility of international organizations" adopted on first reading by the Commission at its sixty-first session;[4]

6. *Invites* the International Law Commission to give priority to its consideration of the topics "Immunity of State officials from foreign criminal jurisdiction" and "The obligation to extradite or prosecute (*aut dedere aut judicare*)";

7. *Takes note* of the report of the Secretary-General on assistance to special rapporteurs of the International Law Commission[5] and of paragraphs 396 to 398 of the report of the International Law Commission, and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution 56/272 of 27 March 2002;

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 10* (A/65/10), chap. IV, sect. C.

[3] Ibid., *Sixty-fourth Session, Supplement No. 10* (A/64/10), chap. IV, sect. C.

[4] A/65/186.

8. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

9. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

10. *Takes note* of paragraph 405 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 26 April to 3 June and from 4 July to 12 August 2011;

11. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-fifth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-sixth session of the Assembly;

12. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

13. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Takes note* of paragraphs 404 and 406 to 410 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (*e*), article 25 and article 26 of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

16. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

17. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

18. *Approves* the conclusions reached by the International Law Commission in paragraph 399 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[6]

19. *Takes note* of paragraph 400 of the report of the International Law Commission, and stresses the need to expedite the preparation of the summary records of the Commission;

20. *Also takes note* of paragraph 401 of the report of the International Law Commission, expresses its appreciation to Governments that have made voluntary contributions to the trust fund on the backlog relating to the *Yearbook of the International Law Commission*, and encourages further contributions to the fund;

21. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[7]

22. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

23. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

24. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

25. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

26. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

27. *Recommends* that the debate on the report of the International Law Commission at the sixty-sixth session of the General Assembly commence on 24 October 2011.

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[6] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[7] www.un.org/law/ilc.

United Nations A/65/468

General Assembly

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12 November 2010
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Sixty-fifth session
Agenda item 80

Diplomatic protection

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Diplomatic protection" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to its resolution 62/67 of 6 December 2007.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 16th and 27th meetings, on 20 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.16 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General containing the comments and observations received from Governments[1] on the recommendation of the International Law Commission to elaborate a convention on the basis of the draft articles on diplomatic protection adopted by the Commission at its fifty-eighth session, in 2006.[2]

5. Pursuant to resolution 62/67, the Committee decided, at its 1st meeting, on 4 October 2010, to establish a Working Group on Diplomatic Protection, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine, in the light of the written comments of Governments as well as views expressed in the debates held at the sixty-second session of the General Assembly, the question of a convention on diplomatic protection, or any other

[1] A/65/182 and Add.1.

[2] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10), para. 46.

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appropriate action, on the basis of the articles drafted by the International Law Commission. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group, which was chaired by Ms. Eva Šurková (Slovakia), held one meeting, on 20 October 2010.

6. At the 27th meeting of the Sixth Committee, on 5 November, the Chair of the Working Group presented an oral report on the work of the Working Group (see A/C.6/65/SR.27).

II. Consideration of draft resolution A/C.6/65/L.9

7. At the 27th meeting, on 5 November, the representative of Slovakia, on behalf of the Bureau, introduced a draft resolution entitled "Diplomatic protection" (A/C.6/65/L.9).

8. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.9 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Diplomatic protection

The General Assembly,

Recalling its resolution 62/67 of 6 December 2007, the annex to which contains the text of the articles on diplomatic protection, commending the articles to the attention of Governments,

Recalling also that the International Law Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the articles on diplomatic protection,[1]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of diplomatic protection is of major importance in the relations of States,

Taking into account the comments and observations of Governments[2] and the discussions held in the Sixth Committee at the sixty-second and sixty-fifth sessions of the General Assembly on diplomatic protection,

1. *Commends once again* the articles on diplomatic protection, presented by the International Law Commission to the attention of Governments, and invites them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles;[1]

2. *Decides* to include in the provisional agenda of its sixty-eighth session an item entitled "Diplomatic protection" and to further examine, within the framework of a working group of the Sixth Committee, and to also identify any difference of opinion on the articles, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second and sixty-fifth sessions of the General Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles.

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[1] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10* (A/61/10), para. 46.

[2] See A/62/118 and Add.1 and A/65/182 and Add.1.

United Nations A/65/469

General Assembly

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Sixty-fifth session
Agenda item 81

Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 62/68 of 6 December 2007.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 17th and 27th meetings, on 21 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.17 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/65/184 and Add.1).

II. Consideration of draft resolution A/C.6/65/L.13

5. At the 27th meeting, on 5 November, the representative of the Republic of Korea, on behalf of the Bureau, introduced a draft resolution entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm" (A/C.6/65/L.13).

6. At the same meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.13 without a vote (see para. 7).

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

The General Assembly,

Recalling its resolutions 56/82 of 12 December 2001, 61/36 of 4 December 2006, the annex to which contains the text of the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, and 62/68 of 6 December 2007, the annex to which contains the text of the articles on prevention of transboundary harm from hazardous activities,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the questions of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm are of major importance in relations between States,

Taking into account the views and comments expressed in the Sixth Committee at previous sessions and at the current session of the General Assembly,[1]

1. *Commends once again* the articles on prevention of transboundary harm from hazardous activities, the text of which is annexed to General Assembly resolution 62/68, to the attention of Governments, without prejudice to any future action, as recommended by the International Law Commission regarding the articles;

2. *Also commends once again* the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, the text of which is annexed to General Assembly resolution 61/36, to the attention of Governments, without prejudice to any future action, as recommended by the Commission regarding the principles;

3. *Invites* Governments to submit further comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the Commission in that regard, including in relation to the elaboration of a convention on the basis of the draft articles, as well as on any practice in relation to the application of the articles and principles;

4. *Requests* the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles and the principles;

[1] See also the report of the Secretary-General for comments and observations received from Governments (A/65/184 and Add.1).

5. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".

United Nations

A/65/470

General Assembly

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10 November 2010
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Sixty-fifth session
Agenda item 82

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the sixty-fifth session of the General Assembly in accordance with Assembly resolution 63/125 of 11 December 2008.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 12th, 13th and 27th meetings, on 15 and 18 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.12, 13 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/65/138 and A/65/138/Add.1).

II. Consideration of draft resolution A/C.6/65/L.15

5. At the 27th meeting, on 5 November, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the

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Congo, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zambia, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/65/L.15).

6. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.15 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its biennial resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, including its resolution 63/125 of 11 December 2008,

Having considered the report of the Secretary-General,[1]

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions of 1949[2] and the Additional Protocols,[3]

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I[4] to the Geneva Conventions,

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Taking note of the fact that, in paragraphs 8 and 9 of its resolution 1894 (2009) of 11 November 2009, the Security Council noted the range of existing methods used, on a case-by-case basis, for gathering information on alleged violations of

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[1] A/65/138 and Add.1.
[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[3] Ibid., vol. 1125, Nos. 17512 and 17513, and vol. 2404, No. 43425.
[4] Ibid., vol. 1125, No. 17512.

applicable international law relating to the protection of civilians, underlined the importance in that regard of receiving information that is timely, objective, accurate and reliable, and considered the possibility, to that end, of using the International Humanitarian Fact-Finding Commission established by article 90 of Protocol I,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Noting the special responsibilities of national Red Cross and Red Crescent societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their Governments in the promotion, dissemination and implementation of international humanitarian law,

Noting also that the year 2009 marked the sixtieth anniversary of the adoption of the Geneva Conventions, and welcoming the various high-level meetings and seminars organized to celebrate that event, which gave new momentum to efforts to strengthen and improve implementation of international humanitarian law,

Calling upon Member States to actively participate in the Thirty-first International Conference of the Red Cross and Red Crescent, to be held in Geneva in November 2011,

Noting the serious concern expressed by States regarding the humanitarian impact caused by cluster munitions, and taking note of the entry into force of the Convention on Cluster Munitions[5] on 1 August 2010 and the ongoing negotiation of a proposal on this subject within the context of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[6]

Welcoming the significant debate generated by the publication in 2005 of the study by the International Committee of the Red Cross on customary international humanitarian law and recent initiatives by the Committee, including the online launch of the updated study, as well as the growing number of translations into other languages of parts of the study, and looking forward to further constructive discussion on the subject,

Acknowledging the fact that the Rome Statute of the International Criminal Court[7] covers the most serious crimes of international concern under international humanitarian law and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the amendments to article 8 of the Rome Statute of the International Criminal Court, relating to war crimes under the Statute, adopted at the Review Conference of the Rome Statute, held in Kampala, on 10 June 2010,[8]

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[5] A/C.1/63/5, enclosure, part II.

[6] United Nations, *Treaty Series*, vol. 1342, No. 22495.

[7] Ibid., vol. 2187, No. 38544.

[8] See resolution RC/Res.5 of the Review Conference.

Acknowledging the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,[2] and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;[9]

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols[3] at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,[4] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto[10] and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[11]

6. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective, and supports its further strengthening and development;

8. *Notes with appreciation* the adoption at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, of resolution 3 entitled "Reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict", which, inter alia, reiterates the obligation of States to take national measures to implement international humanitarian law, including training the armed forces and making this law known among the general public, as well as adopting legislation to punish war crimes in accordance with their international obligations;

9. *Welcomes* the activities of the Advisory Service on International Humanitarian Law of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments, and notes in particular the new manual on domestic implementation of international humanitarian law;

10. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and for

[9] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[10] Ibid., vol. 249, No. 3511, and vol. 2253, No. 3511.
[11] Ibid., vol. 2173, No. 27531.

promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Encourages* Member States and the International Committee of the Red Cross, in transmitting information to the Secretary-General, to focus on new developments and activities during the reporting period;

13. *Encourages* Member States to explore ways of facilitating the submission of information for future reports of the Secretary-General and, in this context, to consider the convenience of drawing up guidelines or a questionnaire by Member States, where necessary with the assistance of the International Committee of the Red Cross, at the request of Member States and, as appropriate, in consultation with the Secretariat;

14. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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Sixty-fifth session
Agenda item 83

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 63/126 of 11 December 2008.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 13th and 27th meetings, on 18 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.13 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/65/112 and Add.1).

II. Consideration of draft resolution A/C.6/65/L.14

5. At the 27th meeting, on 5 November, the representative of Finland, on behalf of Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia,

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Malta, Mexico, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/65/L.14).

6. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.14 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the new and recurring acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures required by international law in a timely manner, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Welcomes* the report of the Secretary-General;[1]

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[1] A/65/112 and Add.1.

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prevent and prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives, including measures of a preventive nature, and with regard to the timely exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Urges*:

(a) All States to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General,[2] serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General, on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to paragraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to paragraph 10 (a) above or follow-up reports pursuant to paragraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

13. *Further requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report containing:

(a) Information on the state of ratification of and accessions to the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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[2] A/42/485, annex.

United Nations A/65/472

General Assembly

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Sixty-fifth session
Agenda item 84

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/115 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 13th, 14th, 27th and 28th meetings, on 18 October and on 5 and 11 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.13, 14, 27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/65/214);

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 33* (A/65/33).

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(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/65/217).

5. At the 13th meeting, on 18 October, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/65/SR.13).

II. Consideration of draft resolution A/C.6/65/L.12

6. At the 27th meeting, on 5 November, the representative of Egypt, on behalf of the Bureau, introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/65/L.12).

7. At the 28th meeting, on 11 November, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

8. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.12 without a vote (see para. 10).

9. The representatives of Belgium (on behalf of the European Union), Mexico, the Islamic Republic of Iran (on behalf of the Non-Aligned Movement) and Cuba made statements in explanation of position after the adoption of the draft resolution (see A/C.6/65/SR.28).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2010,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 28 February to 4 March and on 7 and 9 March 2011;

3. *Requests* the Special Committee, at its session in 2011, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2011;

(b) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on

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[3] A/65/214.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-fifth Session, Supplement No. 33* (A/65/33).

all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Invites* the Special Committee, at its session in 2011, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. *Takes note* of the new subjects proposed at the session of the Special Committee which was held from 1 to 9 March 2010;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-sixth session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

11. *Reiterates its call* for voluntary contributions to the trust fund for the updating of the *Repertoire*, voluntary contributions to the trust fund for the

[7] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225 and A/65/217.

elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions and to address, in particular, the backlog in the preparation of volume III of the *Repertory*;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952;[8]

14. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-sixth session, a report on both the *Repertory* and the *Repertoire*;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;[9]

16. *Further requests* the Secretary-General to submit to the General Assembly, at its sixty-sixth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/65/217.

United Nations

A/65/473

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Sixty-fifth session
Agenda item 85

The rule of law at the national and international levels

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/116 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 8th, 9th, 10th, 12th and 28th meetings, on 12, 13 and 15 October and on 11 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/63/SR.8, 9, 10, 12 and 28).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/65/318).

II. Consideration of draft resolution A/C.6/65/L.17

5. At the 28th meeting, on 11 November, the representative of Mexico, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/65/L.17). The Secretary of the Committee made a statement regarding the financial implications of draft resolution A/C.6/65/L.17.

6. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.17 without a vote (see para. 7).

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 64/116 of 16 December 2009,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming also the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (*e*) of the 2005 World Summit Outcome,[1]

1. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[2]

[1] See resolution 60/1.

[2] A/65/318.

2. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

3. *Stresses* the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, based on greater coordination and coherence within the United Nations system and among donors, and reiterates its call for greater evaluation of the effectiveness of such activities;

4. *Calls*, in this context, for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership;

5. *Calls upon* the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

6. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General;

7. *Requests* the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution 63/128 of 11 December 2008;

8. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

9. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

10. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

11. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

12. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner, and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

13. *Decides* to convene a high-level meeting of the General Assembly on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session, the modalities of which will be finalized during its sixty-sixth session;

14. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "The rule of law at the national and international levels", invites Member States to focus their comments in the upcoming Sixth Committee debate on the sub-topic "Rule of law and transitional justice in conflict and post-conflict situations",[3] without prejudice to the consideration of the item as a whole, and invites the Secretary-General, after seeking the views of Member States, to provide information on this sub-topic in his report.

[3] See the note by the Chairman of the Sixth Committee (A/C.6/63/L.23).

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Agenda item 86

The scope and application of the principle of universal jurisdiction

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "The scope and application of the principle of universal jurisdiction" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/117 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 10th to 12th, 27th and 28th meetings, on 13 and 14 October and on 5 and 11 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.10-12, 27 and 28).

II. Consideration of draft resolution A/C.6/65/L.18

4. At the 27th meeting, on 5 November, the representative of Ghana, on behalf of the Bureau, introduced a draft resolution entitled "The scope and application of the principle of universal jurisdiction" (A/C.6/65/L.18). It was understood that the Secretariat would prepare for the working group envisaged in the draft resolution a compilation of international treaties and decisions of international tribunals which may be relevant to the principle of universal jurisdiction.

5. At its 28th meeting, on 11 November, the Committee adopted draft resolution A/C.6/65/L.18 without a vote (see para. 6).

10-54791 (E) 301110

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III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The scope and application of the principle of universal jurisdiction

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, to international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,

Recalling its resolution 64/117 of 16 December 2009,

Recognizing the diversity of views expressed by States and the need for further consideration towards a better understanding of the scope and application of universal jurisdiction,

Reiterating its commitment to fighting impunity, and noting the views expressed by States that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law,

1. *Takes note with appreciation* of the report of the Secretary-General prepared on the basis of comments and observations of Governments;[1]

2. *Decides* that the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations, and for this purpose decides to establish, at its sixty-sixth session, a working group of the Sixth Committee to undertake a thorough discussion of the scope and application of universal jurisdiction;

3. *Invites* Member States and relevant observers, as appropriate, to submit, before 30 April 2011, information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties, their domestic legal rules and judicial practice, and requests the Secretary-General to prepare and submit to the General Assembly, at its sixty-sixth session, a report based on such information and observations;

4. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "The scope and application of the principle of universal jurisdiction".

[1] A/65/181.

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Sixty-fifth session
Agenda item 107

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to Assembly resolution 64/118 of 16 December 2009.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd, 3rd, 4th, 27th and 28th meetings, on 5 and 6 October and on 5 and 11 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.2-4, 27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General on measures to eliminate international terrorism (A/65/175 and Add.1 and 2);

(c) Report of the Working Group on measures to eliminate international terrorism (A/C.6/65/L.10);

(d) Letter dated 8 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the Secretary-General (A/65/89).

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 37* (A/65/37).

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5. At its 1st meeting, on 4 October, the Sixth Committee established a Working Group to continue to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 64/118. At the same meeting, the Committee elected Mr. Rohan Perera (Sri Lanka) as Chair of the Working Group. The Working Group held two meetings, on 18 October and on 2 November 2010.

6. At the 2nd meeting of the Sixth Committee, on 5 October, the Vice-Chair of the Ad Hoc Committee established by General Assembly resolution 51/210 introduced the report of the Ad Hoc Committee; and at the 27th meeting, on 5 November, the Committee received the report on the work of the Working Group and on the results of the informal consultations held during the current session on 20 and 21 October (A/C.6/65/L.10) (see A/C.6/65/SR.27).

II. Consideration of draft resolution A/C.6/65/L.19

7. At the 28th meeting, on 11 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/65/L.19) and orally revised it by adding an additional operative paragraph, after paragraph 7, reading:

> "*Expresses concern* at the increase in incidents of kidnapping and hostage-taking with demands for ransom and/or political concessions by terrorist groups, and expresses the need to address this issue".

8. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/65/L.19, as orally revised, without a vote (see para. 11).

10. At the same meeting, the representatives of Venezuela (Bolivarian Republic of), Belgium (on behalf of the European Union), Algeria, Guatemala, Japan, the Syrian Arab Republic, Iran (Islamic Republic of), Chile, Mexico, China, the Libyan Arab Jamahiriya, Argentina, Egypt, Canada and Colombia spoke in explanation of position after the adoption of the draft resolution (see A/C.6/65/SR.28).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming, in all its aspects, the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first and second biennial review of the Strategy, on 4 and 5 September 2008 and on 8 September 2010, respectively, and the debates that were held on those occasions,[2]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

Recalling further the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001,

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[1] Resolution 60/288.

[2] See *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum; and ibid., *Sixty-fourth Session, Plenary Meetings*, 116th and 117th meetings (A/64/PV.116 and 117), and corrigendum.

[3] See resolution 50/6.

[4] See resolution 55/2.

[5] See resolution 60/1.

1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and effectively suppress international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-

Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Civil Aviation Organization, the International Maritime Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of, and adherence to, regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006, 62/71 of 6 December 2007, 63/129 of 11 December 2008 and 64/118 of 16 December 2009 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, adopted in Sharm el-Sheikh, Egypt, on 16 July 2009,[6] which reiterated the collective position of the Non-Aligned Movement on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[7] as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008 and 64/168 of 18 December 2009,

Having examined the report of the Secretary-General,[8] the report of the Ad Hoc Committee established by General Assembly resolution 51/210[9] and the report of the Working Group established by the Sixth Committee at the sixty-fifth session of the Assembly,[10]

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[6] A/63/965-S/2009/514, annex.

[7] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[8] A/65/175 and Add.1 and 2.

[9] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 37* (A/65/37).

[10] A/C.6/65/L.10.

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,[1] as well as the resolutions relating to the first and second biennial review of the Strategy,[11] in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and the updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of General Assembly resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Expresses concern* at the increase in incidents of kidnapping and hostage-taking with demands for ransom and/or political concessions by terrorist groups, and expresses the need to address this issue;

9. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

10. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

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[11] Resolutions 62/272 and 64/297.

11. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

12. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[12] the Amendment to the Convention on the Physical Protection of Nuclear Material,[13] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[14] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[15] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

13. *Urges* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[16] the International Convention for the Suppression of the Financing of Terrorism,[17] the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

14. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 13 above;

15. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 11 and 12 of General Assembly resolution 64/118, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

16. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism[18] and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism,[19] and calls upon all States to implement them;

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[12] Resolution 59/290, annex.

[13] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[14] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[15] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[16] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[17] Ibid., vol. 2178, No. 38349.

[18] Resolution 49/60, annex.

[19] Resolution 51/210, annex.

17. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

18. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

19. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

20. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

21. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

22. *Notes* the progress made in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and of the Working Group established by the Sixth Committee during the sixty-fifth session of the Assembly, and welcomes continuing efforts to that end;

23. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

24. *Also decides* that the Ad Hoc Committee shall meet from 11 to 15 April 2011 in order to fulfil the mandate referred to in paragraph 23 above;

25. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

26. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fifth session in the event of the completion of the draft comprehensive convention on international terrorism;

27. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-sixth session on progress made in the implementation of its mandate;

28. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Measures to eliminate international terrorism".